

The opinion in support of the decision being entered today is not binding precedent of the Board

Filed by: Trial Section Merits Panel
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Board of Patent Appeals and Interferences, USPTO
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Paper No. 49 **15**

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAMES E. MARTIN, ROBERT C. HUGHES,
and ROBERT A. ANDERSON

Junior Party
(Patent No. 6,194,769)¹

v.

STEVEN SUNSHINE and BETH C. MUNOZ

Senior Party
(Application 10/083,984)²

Patent Interference No. 105,221

Before SCHAFER, LEE and NAGUMO, Administrative Patent Judges.
LEE, Administrative Patent Judge.

Judgment – Bd. Rule 127(b)

¹ Based on Application 09/323,172, filed May 27, 1999. The real party in interest is Sandia Corporation.

² Filed February 27, 2002. Accorded the benefit of Application 09/600,346, filed November 9, 2000; Application 09/201,999, filed December 1, 1998; and PCT application PCT/US99/28282, filed November 30, 1999. The real party in interest is Smiths Detection-Pasadena, Inc.



Interference No. 105,221
Martin v. Sunshine

Senior party Sunshine has requested entry of adverse judgment (Paper No. 45). The request is **granted**. It is

ORDERED that judgment as to the subject matter of Count 1 is entered against the senior party STEVEN SUNSHINE and BETH C. MUNOZ;

FURTHER ORDERED that the senior party STEVEN SUNSHINE and BETH C. MUNOZ is not entitled to its application claims 48-50 which correspond to Count 1;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205;

FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties.

Interference No. 105,221
Martin v. Sunshine

By Facsimile:

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INTERFERENCE DIGEST

Interference No. 105,221

Paper No. 14

Name: Steven Sunshine

Serial No.: 10/083,984

Patent No.

Title: Aligned particle based sensor elements

Filed: 02/27/02

Interference with Martin et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, Adverse Dated, 3-18-05

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.